IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.278 OF 2006

Saifee Ibrahim Khambati ..Petitioner

V/s.

Maharashtra Housing and Area Development Board & Ors. ..Respondents

Mrs.Varsha Palav for petitioner.

CORAM : D.G.KARNIK, J.
DATED : 22/08/2006

P.C.:-

1. This contempt petition is filed by the petitioner alleging breach of the order passed by this court on 8th July, 2005 in civil application No.952/05 in writ petition No.5446 of 2005. Relevant portion of the order dated 8th July, 2005 reads as under:-

> “In the meanwhile, the Slum Rehabilitation Authority to ensure that an area of 136 sq.ft is not alienated from the scheme in question, in view of exhibit 'C' to the petition.”

2. By the order dated 8th July, 2005 this court had directed that Slum Rehabilitation Authority i.e. the respondent No.4 herein, should ensure that area of 136 sq.ft was not alienated.

3. Learned counsel for the petitioner fairly conceded that there is no averment in the contempt petition that entire area has been alienated and 136 sq.ft of the area has not been kept non-alienated by the respondent No.4.

4. Under the circumstances, petitioner has not even prima facie proved that there has been breach of order dated 8th July, 2005. Hence, contempt petition is dismissed summarily.

D.G.KARNIK, J.